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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

BGC PARTNERS INC., G&E ACQUISITION COMPANY LLC, and BGC REAL ESTATE OF NEVADA LLC,

CASE NO.: 2:15-cv-00531-RFB-GWF

Plaintiffs,

STIPULATION AND ORDER TO

CONTINUE HEARING C

TO RECONSIDER THE PROTECTIVE ORDER

AVISON YOUNG (CANADA) INC., AVISON)
PROTECTIVE ORDER? CONFIDENTIAL "DRAFT"

**CONFIDENTIAL» PROVIDED
AND CONSOLIDATED STATEMENT**

NEVADA LLC, MARK ROSE, THE NEVADA)
AND CONSOLIDATEE DEPOSITIONS (CEC NO.)

**BRIEFING STATEMENT
IN SUPPORT OF MOTION TO SUBSTITUTE**

JOSEPH KUPIEC, DOES 1 through 5, and ROE)
PLAINTIFF (ECF NO. 13

(Second Request)

Defendants.

In accordance with LR IA 6-1 and LR 7-1, Plaintiffs BGC Partners Inc., G&E Acquisition Company LLC, and BGC Real Estate of Nevada (“Plaintiffs”), through their counsel of record, and Defendants Avison Young (Canada) Inc., Avison Young (USA) Inc., Avison

1 Young-Nevada LLC, Mark Rose, Joseph Kupiec, John Pinjuv, and The Nevada Commercial
2 Group (“Defendants”), through their counsel of record, hereby stipulate and request that the Court
3 continue the hearing on Plaintiff’s Motion to Reconsider the Protective Order’s “Highly
4 Confidential” Provisions and Consolidate Selected Depositions (ECF No. 123) (“Motion
5 Regarding the Protective Order and Depositions”) and Plaintiff’s Motion to Substitute Newmark
6 Group Inc. for BGC Partners Inc. as Plaintiff (ECF No. 132) (“Motion to Substitute”) (together,
7 the “Motions”) as follows:

9 **STIPULATION**

10 11 12 1. Plaintiffs filed their Motion Regarding the Protective Order and Depositions on February 14, 2018.

13 14 2. On February 20, 2018, the Court set a March 12, 2018, hearing on the Motion Regarding the Protective Order and Depositions. (2/20/18 Minute Order.)

15 16 17 3. On February 22, 2018, the Court granted the parties’ stipulation setting a briefing schedule on the Motion Regarding the Protective Order and Depositions and resetting the hearing date for 9:30 a.m. on Monday, April 2, 2018. (ECF No. 131.)

18 19 20 4. The Motion Regarding the Protective Order and Depositions is fully briefed and pending before this Court.

21 5. Plaintiffs filed their Motion to Substitute on February 23, 2018.

22 6. The Motion to Substitute is fully briefed and pending before the Court.

23 24 7. On March 21, 2018, the Court scheduled a hearing on Plaintiffs’ Motion to Substitute for 9:30 a.m. on Monday, April 2, 2018. (3/21/18 Minute Order.)

25 26 27 8. On March 27, 2018, the parties submitted a stipulation to continue the April 2 hearing on the Motions to May 1, 2018 (ECF No. 149), which the Court entered on March 28, 2018 (ECF No. 151).

1 9. Plaintiffs' counsel now have a conflict and are unable to attend the May 1, 2018,
2 hearing on the Motions.

3 10. Plaintiffs' counsel have conferred with Defendants' counsel about continuing the
4 hearing.

5 11. After discussion, the parties' counsel agreed upon three dates that could
6 accommodate their respective schedules: June 12, 2018, June 13, 2018, and June 14, 2018.

8 12. Defendants' counsel do not object to continuing the hearing to one of these dates
9 subject to the Court's availability on those dates.

10 13. The parties therefore request that the Court reschedule the hearing on the Motions
11 to June 12, 2018, June 13, 2018, or June 14, 2018, or such other date on which the Court is
12 available.

14 Dated: April 17, 2018

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42 (Canada) Inc., Avison Young (USA) Inc.,
43 Avison Young—Nevada LLC, Mark Rose, and
44 Joseph Kupiec*

ORDER

Having reviewed the foregoing stipulation and found it to be supported by good cause, IT IS HEREBY ORDERED that the hearing on Plaintiffs Motion Regarding the Protective Order and Depositions (ECF No. 123) and Plaintiffs' Motion to Substitute (ECF No. 132) is continued to the following date and time: Tuesday, June 12, 2018 at 9:30 a.m. in Courtroom 3A.

IT IS SO ORDERED.

George Foley Jr.

Hon. George W. Foley
United States Magistrate Judge

DATED: 4-18-18